



**US Army Corps
of Engineers**®
Rock Island District

PUBLIC NOTICE

Applicant: Mr. Robert Cramer

Date: December 7, 2022

Expires: January 5, 2023

CEMVR-RD-2019-63

Section 404

**Joint Public Notice
US Army Corps of Engineers
Iowa Department of Natural Resources**

1. **Applicant:** Mr. Robert Cramer – Cramer & Associates, 3100 SW Brookside Drive, Grimes, Iowa 50111.
2. **Project Location:** The proposed project is located on a 380-acre parcel of property located between Old Portland Road and Highway 169 in Section 6, Township 78 North, Range 27 West, Dallas County, Iowa.
3. **Project Description:**
 - a. The Applicant has proposed to construct a new residential subdivision consisting of townhomes and single-family lots to support the expansion of the West Des Moines area. The proposed project will include utilities such as sewer and water, new roads, sidewalks, and other paths, grading for lots, several new culverts, outfall structures, bank stabilization and a new storm-water detention bason. Three crossings associated with this project have already been constructed without DA Permits.
 - b. Specifically, the proposed project includes the following work.
 - 1) Grading. The Applicant has proposed to grade the area for new lots. Approximately 1.33-acres of wetlands are proposed to be cleared and filled to make space for developable lots. A small portion of WUS 1B (355 linear feet) is proposed to accommodate new lots.
 - 2) Roads. Several new roads are proposed within the development and three crossings of the on-site tributaries have already been constructed without a DA Permit. The following crossings were built between 2021 and 2022 and resulted in 670 linear feet of impacts to Waters of the U.S. One additional crossing will be constructed that will result in an additional 270 linear feet of stream.
 - 3) Outfall Structures. Several new outfall structures are proposed throughout the development that will drain to the tributaries on-site.

4) Storm-water Detention Basin. A new storm water detention basin is proposed to be constructed off-line; however, several small segments of WUS-1 are proposed to be straightened to allow the basin to be built between WUS-1 and the grading limits for several lots. A trunk sewer line on the north boundary of this basin prevents the basin from being shifted north. This location was selected because it was topographically the lowest area on the property. Approximately 960-feet of WUS 1 will be straightened for the basin and several other segments of this stream will be stabilized with riprap.

5) Overall, the proposed project will result in the loss of 1.33 acres of wetland and 1830 feet of stream (0.18 acres). To compensate for the loss of the wetlands, the applicant proposes to purchase wetland and stream credits from an approved wetland and stream mitigation bank within the approved primary or secondary service area of the impacts.

c. The purpose of this project is to provide housing. According to the applicant's data this area is experiencing a high demand for new housing of various types. The applicant has provided an alternatives analysis for review.

6. The applicant's original design for the storm water basin proposed 975 linear feet of straightening for the basin, however through several design changes, they were able to avoid 370 feet. The applicant has proposed other avoidance through the movement of some lots and by keeping a buffer on a portion of WUS-3.

4. Agency Review:

a. Department of the Army, Corps of Engineers. The Department of the Army application is being processed under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

b. State of Iowa. The project plans have been submitted to the Iowa Department of Natural Resources for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification, if issued, will express the Department's opinion that the proposed activity will comply with Iowa's water quality standards (Chapter 61 IAC). The applicant has also applied for authorization of work in the floodplain pursuant to Chapter 455B of the Iowa Code and other applicable state permits. Written comments concerning possible impacts to waters of Iowa should be addressed to: Iowa Department of Natural Resources, 502 E. 9th Street, Des Moines, Iowa 50319. A copy of the comments should be provided to the Corps of Engineers office (see paragraph 11. of this public notice for address).

5. Historical/Archaeological:

a. The District consulted with the Iowa online geographic information systems archeological site and survey databases. Including the HILD and Notable Locations layers. The review indicated that the majority of the permit area had not been previously surveyed for historic properties.

b. Therefore, a Phase I survey report for the project was required. Through a review of the report, it was determined that portions of the project area had been disturbed prior to the cultural resource survey being completed. Based on the potential for a violation of Section 110(k) of the National Historic Preservation Act the District Archaeologist conducted an investigation. After the investigation was completed, it was determined that there was no intent to avoid the Section 106 process on the part of the Applicant.

c. The Phase I survey report has been received and reviewed by the District Archaeologist. The report has been coordinated with the Iowa State Historic Preservation Office. If any Tribe expresses interest in being a consulting party for the project the District will provide copies of the report and initiate consultation on the project.

6. Endangered Species

a. District staff has performed a preliminary review of this application for the potential impact on threatened or endangered species pursuant to Section 7 of the Endangered Species Act as amended. The following threatened or endangered species are listed by the United States Fish and Wildlife Service (FWS) as occurring in Dallas County, Iowa:

- Indiana Bat (*Myotis sodalists*)
- Northern Long-eared Bat (*Myotis septentrionalis*)
- Topeka shiner (*Notropis topeka*)
- Monarch Butterfly (*Danaus plexippus*)

b. Based on the habitat present on-site. Suitable habitat for none of the listed or candidate species is present. The proposed development will not affect any forested areas greater than 10-acres in size and most of the wooded habitat will be left as open space. There is no suitable habitat for the Topeka Shiner and the remaining land on the site has been row-cropped, therefore suitable habitat for the Monarch butterfly is not present. For these reasons, this project will have No Effect on any listed species.

7. **Dredge/Fill Material Guidelines:** The evaluation of the impact of the proposed activity on the public interest will also include application of the guidelines promulgated by the Administrator of the United States Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

8. **Public Interest Review:** The decision whether to issue the Corps permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

9. **Who Should Reply:** The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above.

Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. These statements should be submitted on or before the expiration date specified at the top of page 1. These statements should bear upon the adequacy of plans and suitability of locations and should, if appropriate, suggest any changes considered desirable.

10. Public Hearing Requests: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. A request may be denied if substantive reasons for holding a hearing are not provided.

11. Reply to the Corps. Comments concerning the Corps permit should be addressed to the District Engineer, US Army Corps of Engineers, Rock Island District, ATTN: RD-Frohlich, Clock Tower Building - Post Office Box 2004, Rock Island, Illinois 61204-2004. For additional information contact **Mr. Albert J. Frohlich** or email: Albert.J.Frohlich@usace.army.mil.

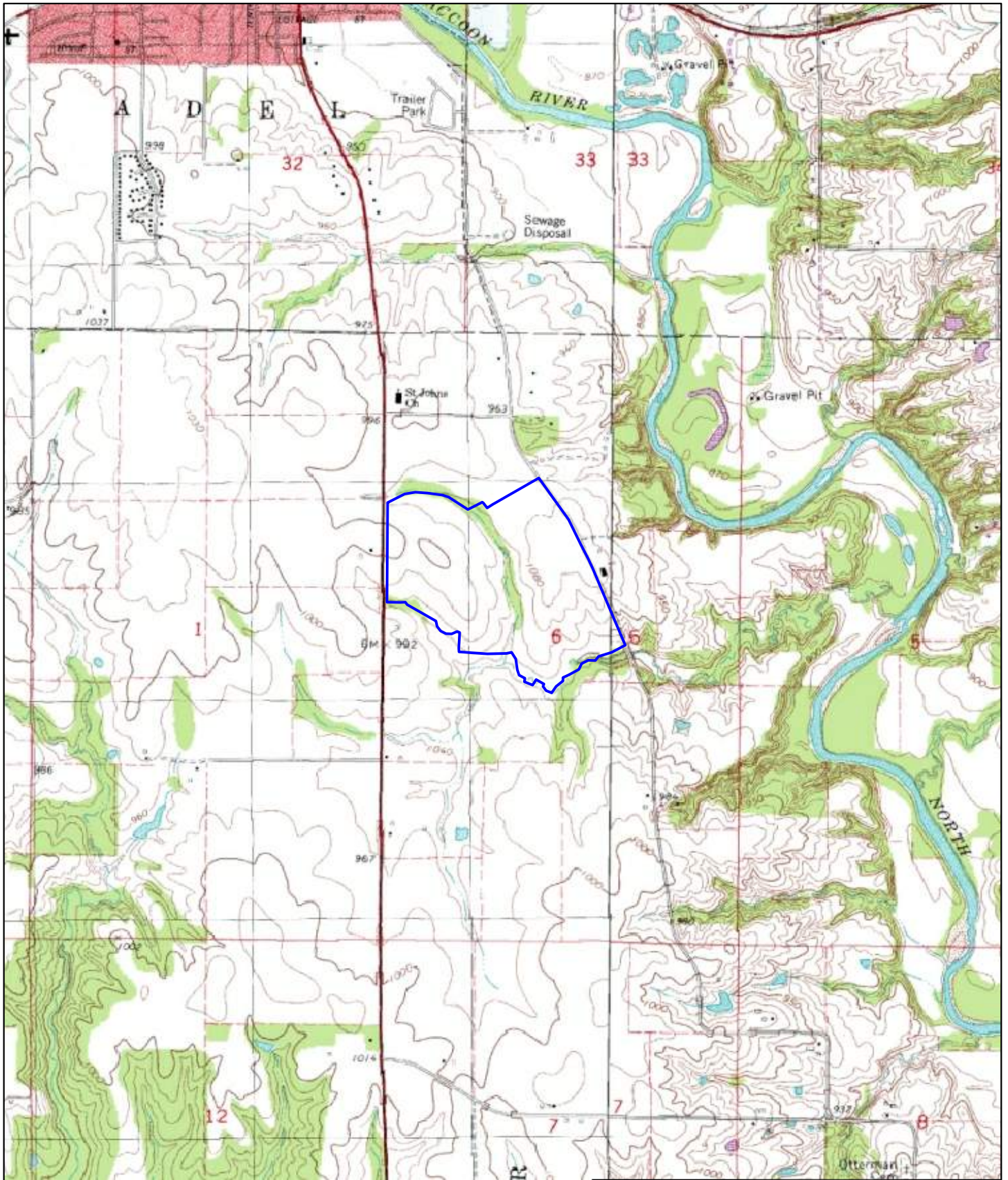


Mr. Albert J. Frohlich
Project Manager
Regulatory Division – Western Branch

Attach
Plan

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page 1.

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LEGEND

——— - PERMIT AREA

CEMVR-RD-2019-63
Project Location
Sheet 1 of 8

TOPOGRAPHIC SITE MAP

SOUTHBRIDGE PLAT 8
SECTION 404 PERMITTING
OLD PORTLAND ROAD SOUTH OF 302ND PLACE
ADEL, IOWA

0 APPROXIMATE DRAWING SCALE 2000 Feet Project ID #: 19C037.00

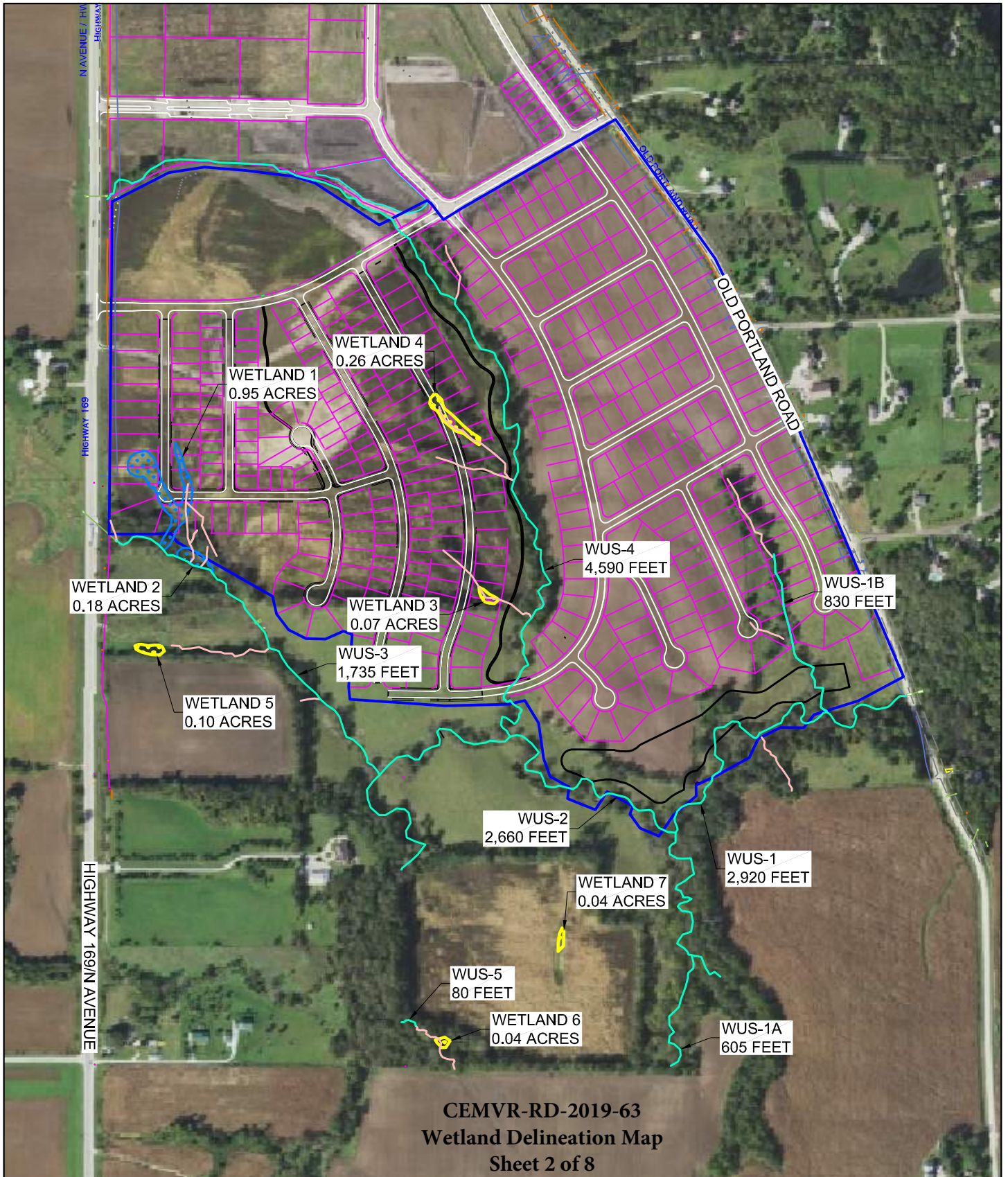
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Prepared By: ESM

Checked By: SMT








1



CEMVR-RD-2019-63
 Wetland Delineation Map
 Sheet 2 of 8



- LEGEND**
-  - PERMIT AREA
 -  - JURISDICTIONAL WETLAND AREA
 -  - JURISDICTIONAL WUS
 -  - NON-JURISDICTIONAL WETLAND
 -  - NON-JURISDICTIONAL DRAINAGE FEATURE

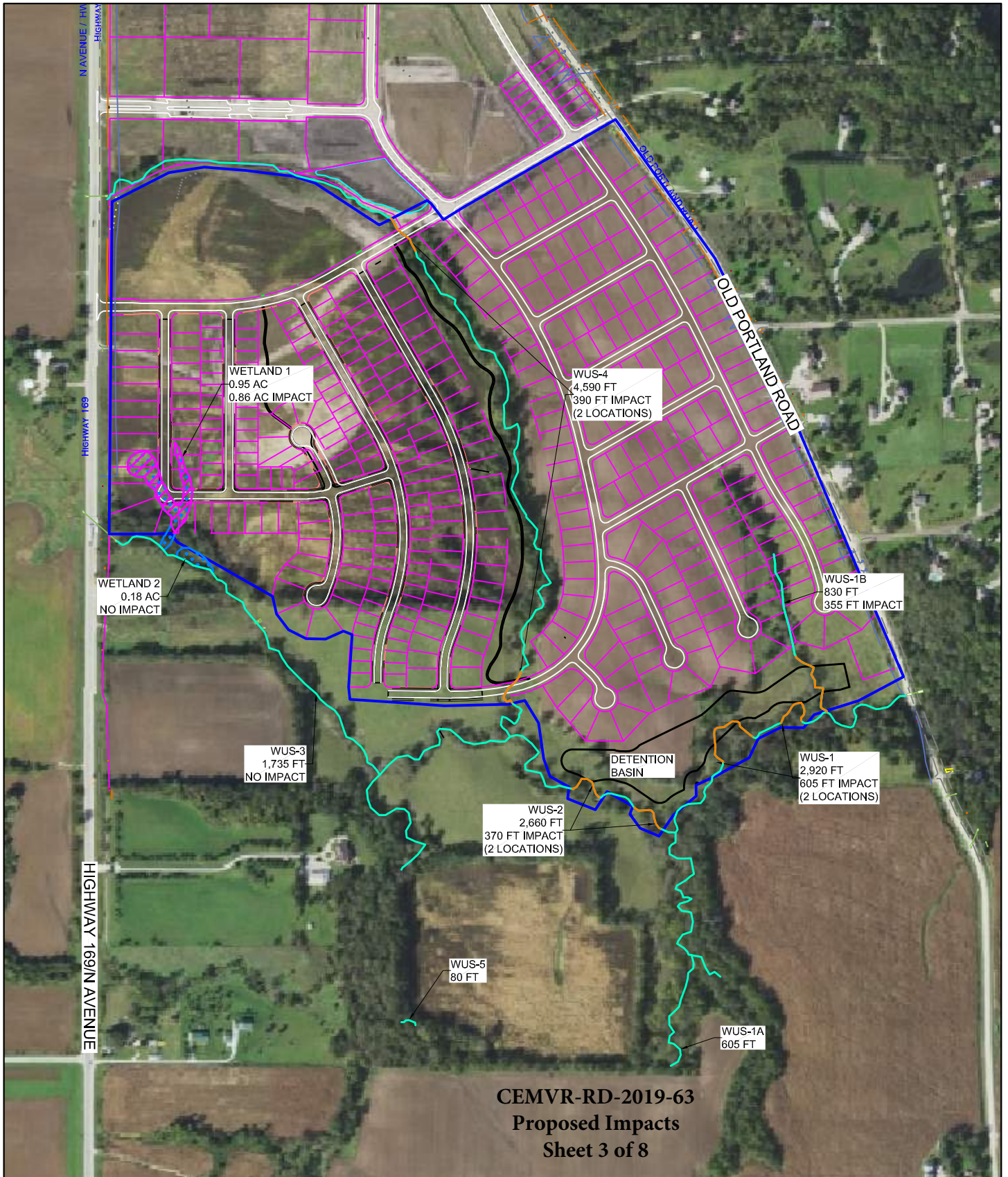
WETLAND AND WUS DELINEATION MAP

SOUTHBRIDGE PLAT 8
 SECTION 404 PERMITTING
 OLD PORTLAND ROAD SOUTH OF 302ND PLACE
 ADEL, IOWA

0 APPROXIMATE DRAWING SCALE 600 Feet Project ID #: 19C037.00

Date: 3/24/2022
 Prepared By: ESM
 Checked By: SMT










**CEMVR-RD-2019-63
Proposed Impacts
Sheet 3 of 8**



LEGEND

-  - PERMIT AREA
-  - UN-IMPACTED WETLAND AREA
-  - UN-IMPACTED WUS
-  - JURISDICTIONAL WETLAND IMPACT
-  - JURISDICTIONAL WUS IMPACT

PROPOSED WETLAND & WUS IMPACTS

SOUTHBRIDGE PLAT 8
SECTION 404 PERMITTING
OLD PORTLAND ROAD SOUTH OF 302ND PLACE
ADEL, IOWA

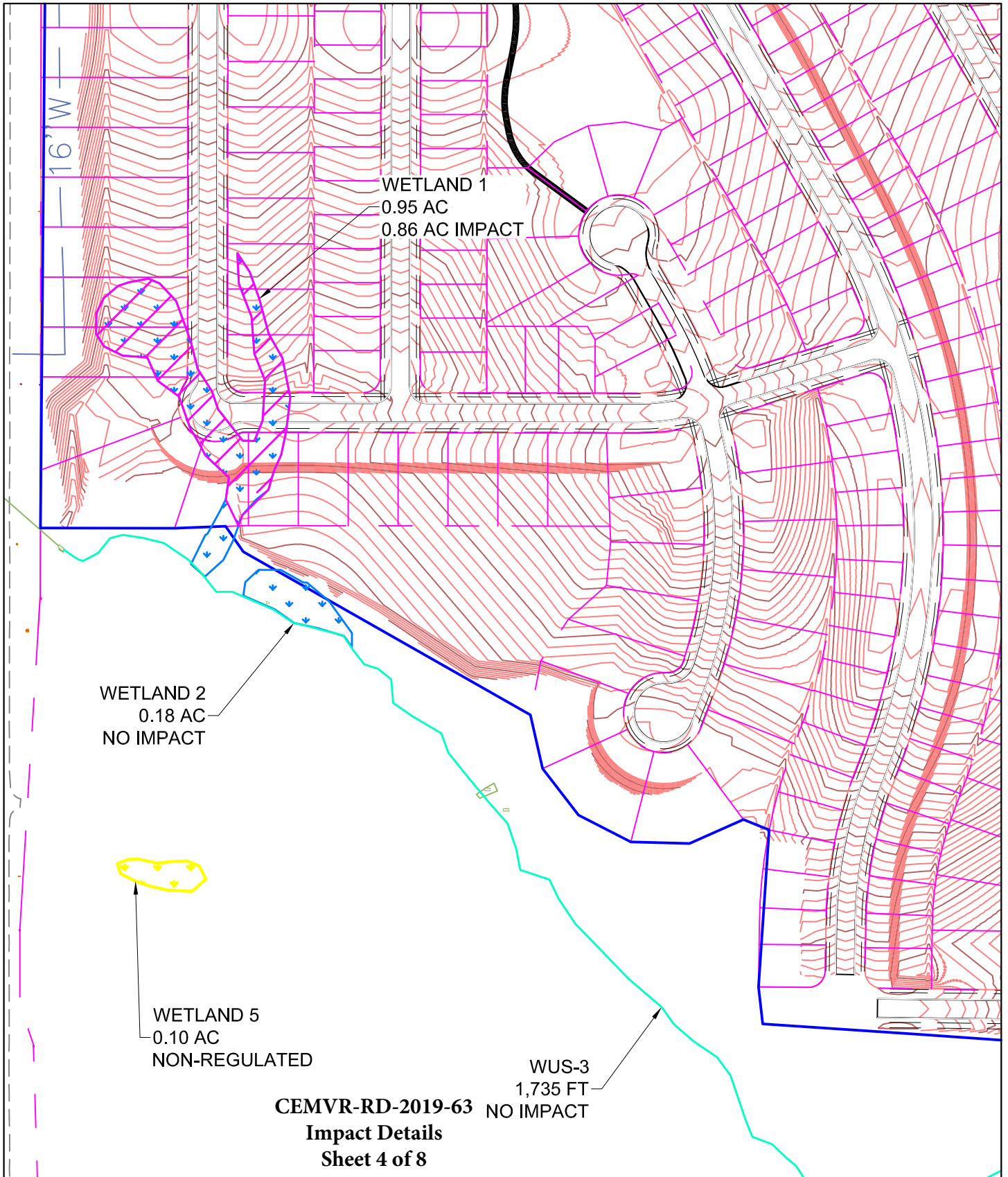
0 APPROXIMATE DRAWING SCALE 600 Feet Project ID #: 19C037.00

Date: 3/24/2022

Prepared By: ESM

Checked By: SMT





WETLAND 1
0.95 AC
0.86 AC IMPACT

WETLAND 2
0.18 AC
NO IMPACT



WETLAND 5
0.10 AC
NON-REGULATED

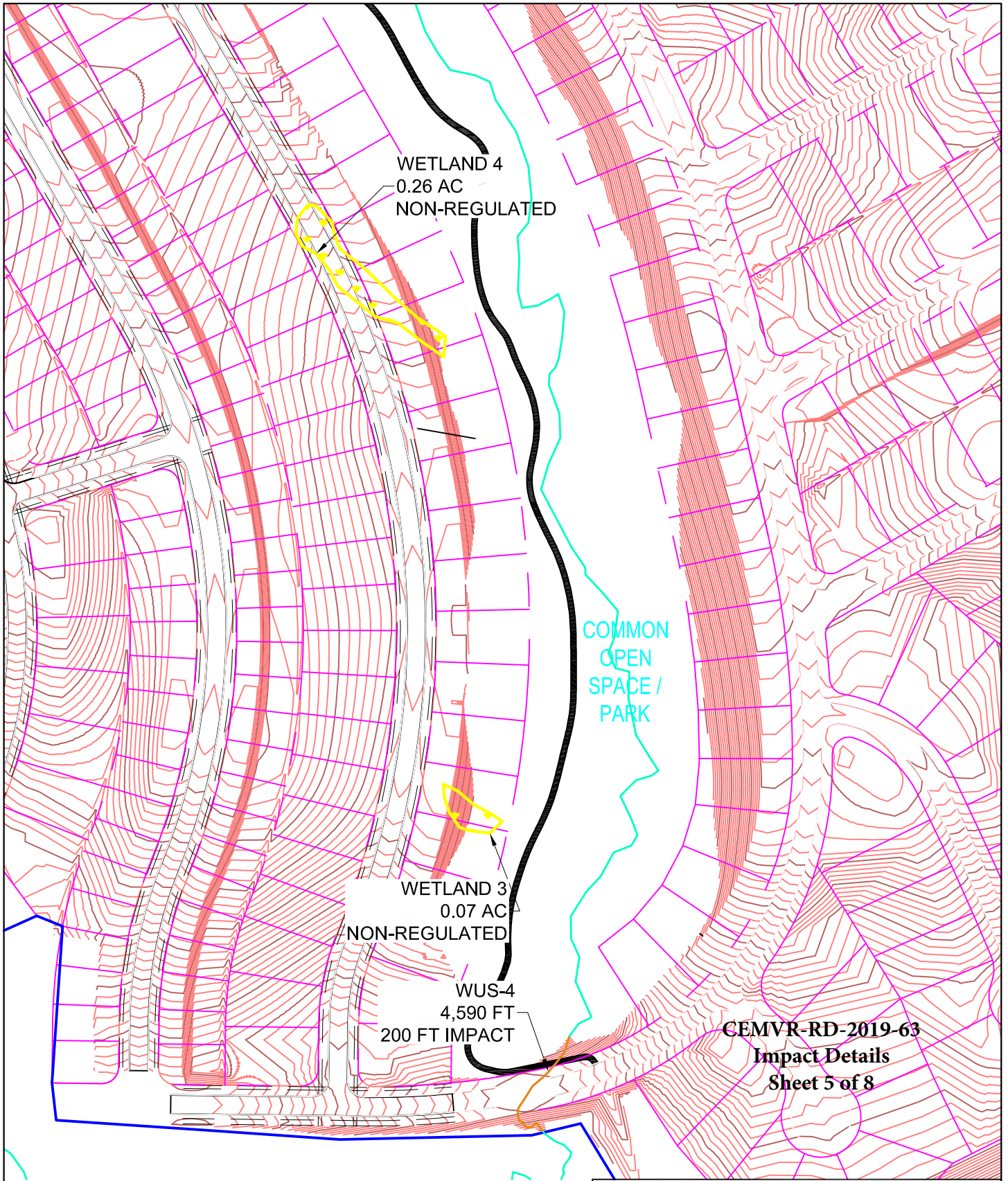
WUS-3
1,735 FT
NO IMPACT

CEMVR-RD-2019-63
Impact Details
Sheet 4 of 8



- LEGEND**
- PERMIT AREA
 - UN-IMPACTED WETLAND AREA
 - UN-IMPACTED WUS
 - JURISDICTIONAL WETLAND IMPACT
 - JURISDICTIONAL WUS IMPACT
 - NON-JURISDICTIONAL WETLAND IMPACT







PROPOSED WETLAND & WUS IMPACTS		
SOUTHBRIDGE PLAT 8 SECTION 404 PERMITTING OLD PORTLAND ROAD SOUTH OF 302ND PLACE ADEL, IOWA		
0 APPROXIMATE DRAWING SCALE 200 Feet		Project ID #: 19C037.00
Date: 3/24/2022		Foth
Prepared By: ESM		
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CEMVR-RD-2019-63
Impact Details
Sheet 5 of 8



LEGEND

-  - PERMIT AREA
-  - UN-IMPACTED WETLAND AREA
-  - UN-IMPACTED WUS
-  - JURISDICTIONAL WETLAND IMPACT
-  - JURISDICTIONAL WUS IMPACT
-  - NON-JURISDICTIONAL WETLAND IMPACT

PROPOSED WETLAND & WUS IMPACTS

SOUTHBRIDGE PLAT 8
 SECTION 404 PERMITTING
 OLD PORTLAND ROAD SOUTH OF 302ND PLACE
 ADEL, IOWA

0 APPROXIMATE DRAWING SCALE 200 Feet Project ID #: 19C037.00

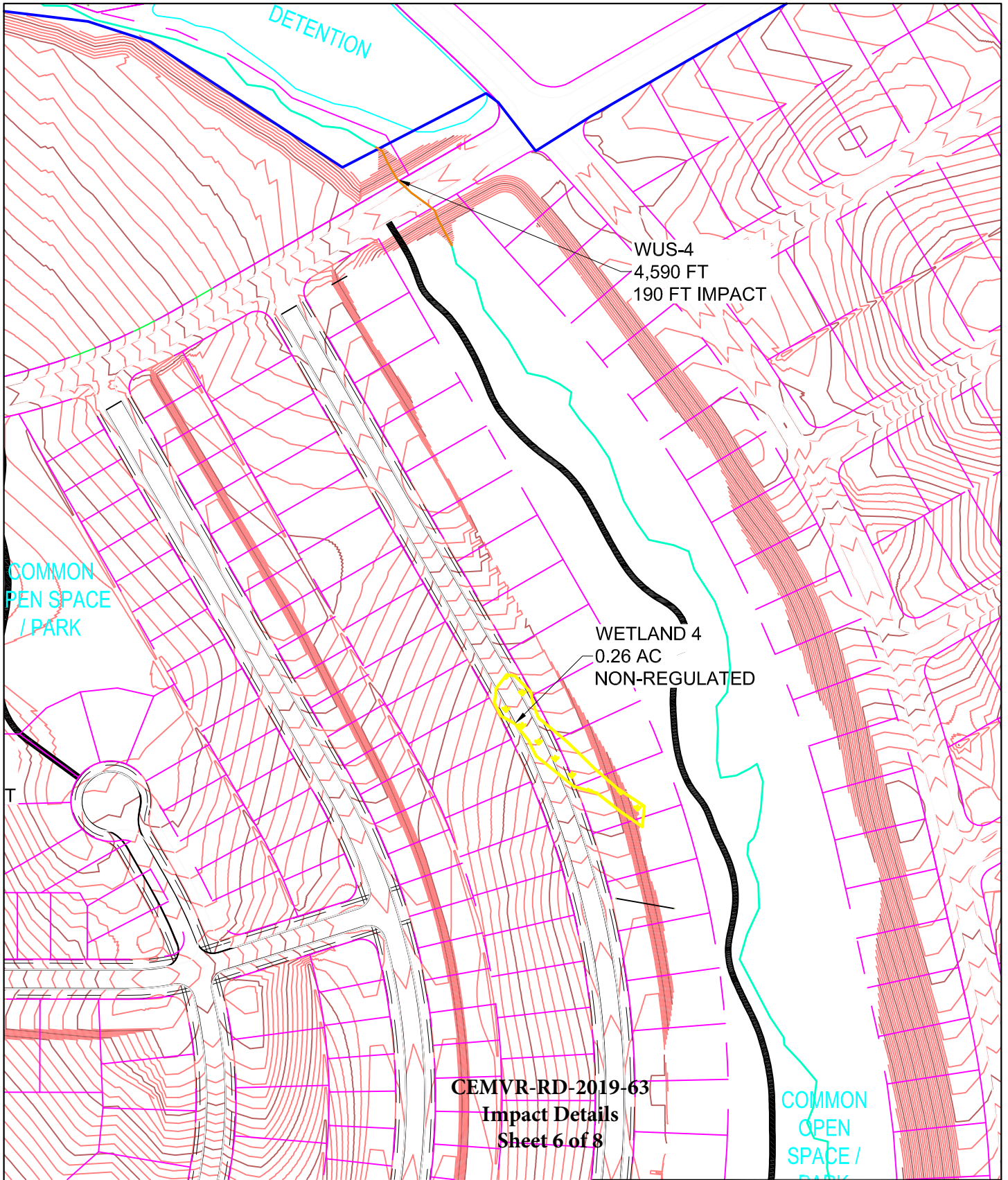
Date: 3/24/2022

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CEMVR-RD-2019-63
 Impact Details
 Sheet 6 of 8



- LEGEND**
-  - PERMIT AREA
 -  - UN-IMPACTED WETLAND AREA
 -  - UN-IMPACTED WUS
 -  - JURISDICTIONAL WETLAND IMPACT
 -  - JURISDICTIONAL WUS IMPACT
 -  - NON-JURISDICTIONAL WETLAND IMPACT

PROPOSED WETLAND & WUS IMPACTS

SOUTHBRIDGE PLAT 8
 SECTION 404 PERMITTING
 OLD PORTLAND ROAD SOUTH OF 302ND PLACE
 ADEL, IOWA

0 APPROXIMATE DRAWING SCALE 200 Feet

Project ID #: 19C037.00

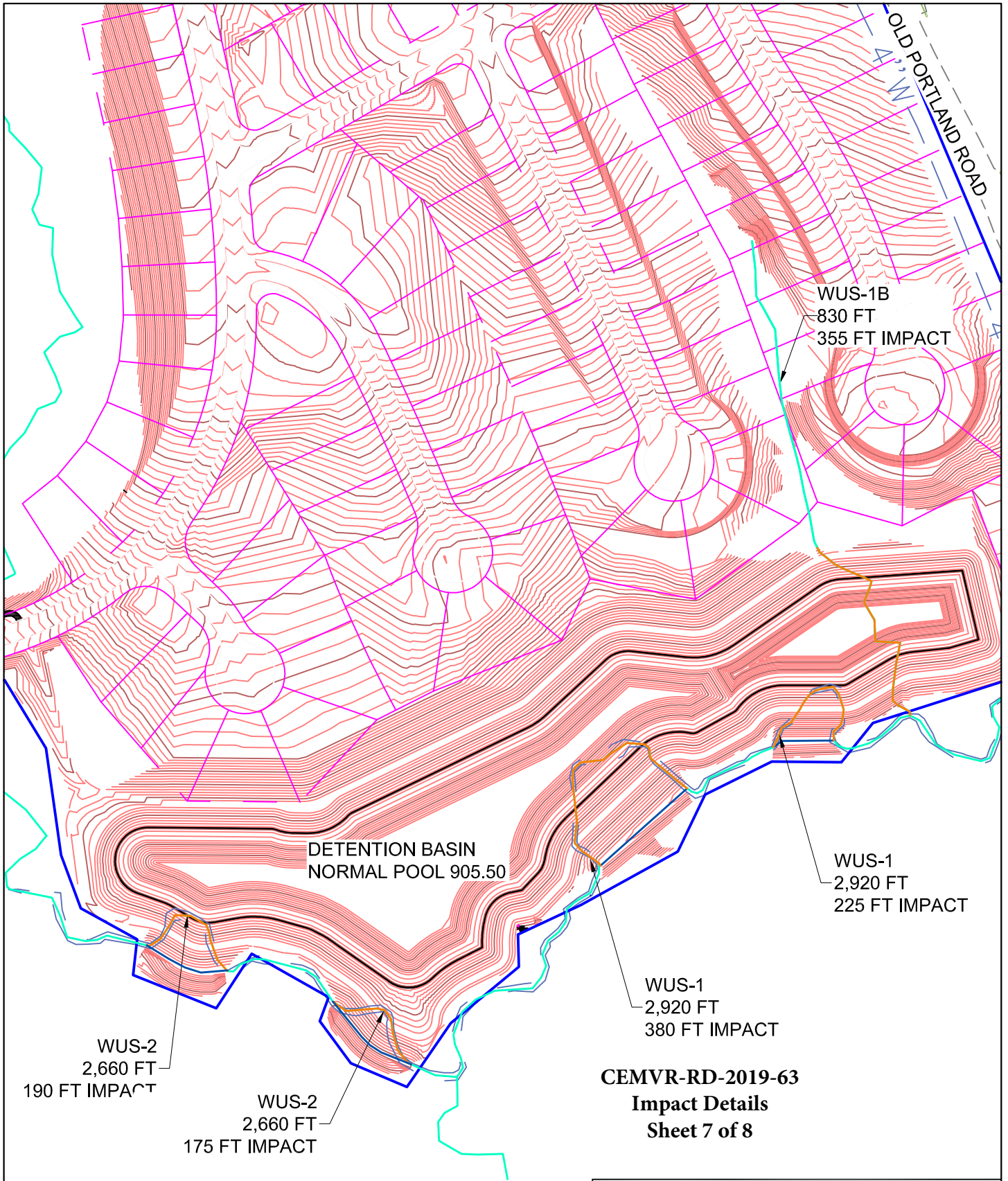
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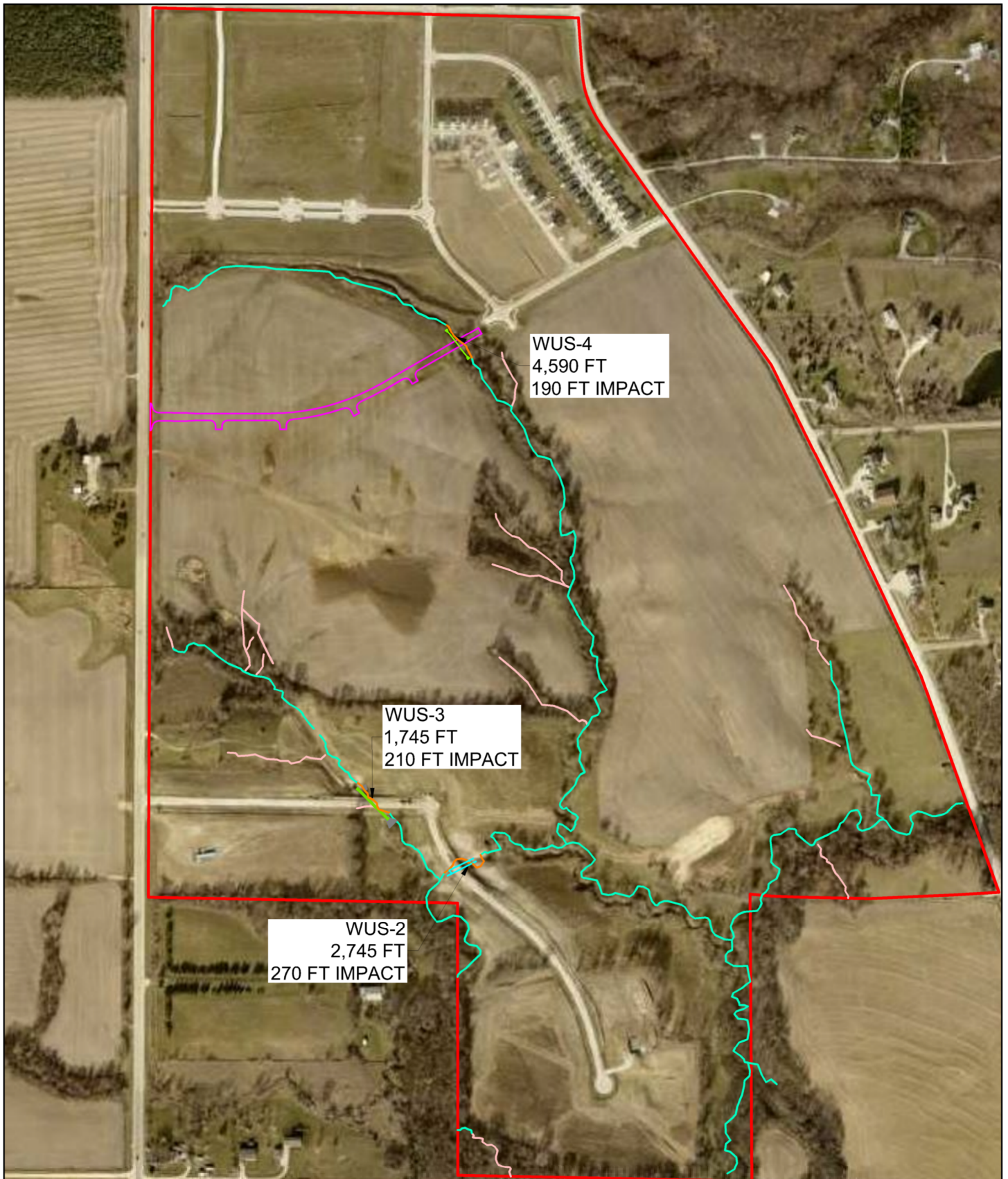


CEMVR-RD-2019-63
Impact Details
Sheet 7 of 8



- LEGEND**
-  - PERMIT AREA
 -  - UN-IMPACTED WETLAND AREA
 -  - UN-IMPACTED WUS
 -  - JURISDICTIONAL WETLAND IMPACT
 -  - JURISDICTIONAL WUS IMPACT
 -  - NON-JURISDICTIONAL WETLAND IMPACT

PROPOSED WETLAND & WUS IMPACTS		
SOUTHBRIDGE PLAT 8 SECTION 404 PERMITTING OLD PORTLAND ROAD SOUTH OF 302ND PLACE ADEL, IOWA		
0 APPROXIMATE DRAWING SCALE 200 Feet		Project ID #: 19C037.00
Date: 3/24/2022		3D
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LEGEND
 - DELINEATION AREA
CEMVR-RD-2019-63
Completed Crossings
Sheet 8 of 8

WETLAND/WUS IMPACTS PRIOR TO 10/22

SOUTHBRIDGE DEVELOPMENT
 SECTION 404 PERMITTING
 OLD PORTLAND ROAD SOUTH OF 302ND PLACE
 ADEL, IOWA

0 APPROXIMATE DRAWING SCALE 600 Feet Project ID #: 19C037.00

Date: 10/4/2022

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Checked By: SMT

